S.B. Civil Contempt Petition No.57/02.
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S.B. Civil Writ Petition No.5436/01.

2.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. R.D. Rastogi for petitioners.
Mr. Bharat Vyas, AAG

This is a contempt petition, which the petitioners have filed on allegation that the respondents have deliberately flouting the order passed by this Court on 29.11.01.

Learned counsel for the petitioner has strenuously on argued that the respondents have deliberately flouted order passed by this Court on 20.12.2001. On the other hand, learned counsel for the respondent asserts that no such willful or deliberate contempt has been committed by the respondents. On perusal

of the order by this Court on 20.12.01 it transpires that the interim order was passed to the effect that “if petitioners are in possession of the land in dispute as so stated by the learned counsel for the petitioner, their possession shall not be disturbed”.

Learned counsel for the petitioner referred to number of documents Annexure-2 & 8 to show that the petitioner were in possession of the land in dispute.

On the other hand, learned counsel for the respondent submitted that the interim order passed by this Court upon hearing the respondents was later on vacated and the stay petition itself was dismissed on 4th July 2003.

Having heard learned counsel for the parties, I do not find that it is a

fit case to proceed against the respondents for deliberate or willful contempt as alleged particularly when the stay order itself was vacated by the Court. Rejection of this contempt petition however would not effect the entitlement of the petitioners to compensation for acquisition of their land on merits of the case in pending writ petition.

Contempt petition is accordingly dismissed and notices are discharged.

(Mohammad Rafiq),J.

At/-